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11 Attorneys for USACM Liquidating Trust

12 **UNITED STATES BANKRUPTCY COURT**  
13 **DISTRICT OF NEVADA**

14 In re:

15 USA Commercial Mortgage Company,

16 Debtor.

17 Case No. BK-S-06-10725-LBR

18 Chapter 11

19 **NOTICE OF HEARING RE**  
20 **OMNIBUS OBJECTION OF USACM**  
21 **TRUST TO PROOFS OF CLAIM**  
22 **BASED UPON AN INVESTMENT IN**  
23 **HESPERIA II LOAN**

24 Hearing Date: September 30, 2011

25 Hearing Time: 9:30 a.m.

26 Estimated Time for Hearing: 10 minutes

17 **THE USACM LIQUIDATING TRUST IS OBJECTING IN PART TO THE**  
18 **CLAIM THAT YOU FILED. TO THE EXTENT YOUR CLAIM IS BASED UPON**  
19 **AN INVESTMENT IN THE HESPERIA II LOAN, THE USACM TRUST SEEKS**  
20 **TO DISALLOW 80% OF YOUR CLAIM AND ALLOW 20% OF YOUR CLAIM.**  
21 **THE USACM TRUST CONTENDS THAT YOU DO NOT HAVE A**  
22 **COMPLETELY VALID CLAIM BASED UPON YOUR INVESTMENT IN THIS**  
23 **LOAN BECAUSE YOU TOOK A KNOWN AND OBVIOUS RISK IN MAKING**  
24 **THAT INVESTMENT AND USACM DID NOT GUARANTEE REPAYMENT OF**  
25 **THAT LOAN. THIS OBJECTION WILL NOT IMPACT YOUR CLAIM TO THE**  
26 **EXTENT IT IS BASED UPON AN INVESTMENT IN A DIFFERENT LOAN.**

1                   **PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY**  
2                   **COURT TO DISCUSS THE MERITS OF YOUR CLAIM. QUESTIONS**  
3                   **REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM**  
4                   **SHOULD BE DIRECTED TO BRANT FYLLING AT SIERRA GROUP**  
5                   **CONSULTING, LLC (602-424-7009) OR TO UNDERSIGNED COUNSEL, JOHN**  
6                   **HINDERAKER (520-629-4430).**

7                   **NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust, by and  
8                   through its counsel, has filed its Omnibus Objections to Proofs of Claim Based Upon  
9                   Investment in the Hesperia II Loan (with Certificate of Service) (the “Objection”). Your  
10                  Proof of Claim number and other information regarding your claim is provided in **Exhibit**  
11                  A, attached to the Objection. The USACM Liquidating Trust has requested that this Court  
12                  enter an order, pursuant to section 502 of title 11 of the United States Code (the  
13                  “Bankruptcy Code”) and Rule 3007 of the Federal Rules of Bankruptcy Procedure (the  
14                  “Bankruptcy Rules”), disallowing 80% and allowing 20% of your Proof of Claim to the  
15                  extent it is based upon an investment in the Hesperia II Loan. The Objection will not  
16                  impact your Claim to the extent it is based upon an investment in a different loan.

17                  **NOTICE IS FURTHER GIVEN** that the hearing on the Objection will be held  
18                  before the Honorable Linda B. Riegle, U.S. Bankruptcy Court Judge in the Foley Federal  
19                  Building, 300 Las Vegas Blvd. South, 3<sup>rd</sup> Floor, Courtroom No. 1, Las Vegas, Nevada on  
20                  September 30, 2011, at the hour of 9:30 a.m.

21                  **NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON**  
22                  **SEPTEMBER 30, 2011, WILL BE HELD FOR THE PURPOSE OF STATUS**  
23                  **CHECKS AND SCHEDULING EVIDENTIARY HEARINGS ONLY. NO**  
24                  **ARGUMENTS WILL BE HEARD ON THAT DATE.**

25                  **NOTICE IS FURTHER GIVEN** that pursuant to Local Rule 9014(d), any  
26                  response to the objection must be filed and service must be completed no later than

1        **fourteen (14) days** preceding the hearing date. The opposition must set forth all relevant  
2        facts and any relevant legal authority.

3            If you object to the relief requested, you *must* file a **WRITTEN** response to this  
4        pleading with the Court. You *must* also serve your written response on the person who  
5        sent you this notice.

6            If you do not file a written response with the Court, or if you do not serve your  
7        written response on the person who sent you this notice, then:

8            • The Court may *refuse to allow you to speak* at the scheduled hearing; and  
9            • The Court may *rule against you* and sustain the objection without formally  
10        calling the matter at the hearing.

11        Dated: August 8, 2011

12            LEWIS AND ROCA LLP

13  
14        By s/ John Hinderaker (AZ #018024)  
15            Robert M. Charles, Jr., NV 6593  
16            John Hinderaker, AZ 18024 (*pro hac vice*)  
17            Marvin Ruth, NV 10979  
18            3993 Howard Hughes Parkway, Suite 600  
19            Las Vegas, Nevada 89169  
20            E-mail: JHinderaker@lrlaw.com  
21            *Attorneys for the USACM Liquidating Trust*

22        Copy of the foregoing and pertinent  
23        portion of Exhibits deposited in first  
24        class postage prepaid U.S. Mail on  
25        August 8, 2011 to all parties listed on  
26        Exhibit A attached.

27        LEWIS AND ROCA LLP

28        s/ Matt Burns  
29        Matt Burns, Paralegal